

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: Flint Water Cases

Case No. 5:16-cv-10444-JEL-MKM

Hon. Judith E. Levy

Magistrate Judge Mona K. Majzoub

**CO-LEAD CLASS COUNSEL MICHAEL PITT'S MOTION FOR
RECONSIDERATION OF THIS COURT'S ORDER DENYING HALL
OBJECTORS' MOTION [DKT. 1830]**

NOW COMES Co-Lead Interim Class Counsel and Plaintiff Class Counsel, Michael Pitt, and pursuant to Local Rule 7.1 for the Eastern District of Michigan moves for reconsideration of this Court's Order Denying Hall Objectors' Motion and in support of the motion state as follows:

1. Co-Lead Interim Class counsel, neither joined, nor filed a response to the Hall Objectors' Motion. (ECF No. 1736). However, this Court, while denying the Motion, included a recitation of what the Court viewed as occurring at the two Non- Public Proceedings that were not on the record, stating:

Although this opinion and order could end here, the Court will expend additional time and effort to set forth for the *Hall* objectors what happened in the two meetings they identify and why the relief they seek need not and will not be granted.

Order Denying Hall Objectors' Motion, p. 8, June 16, 2020 (ECF No. 1830 Page ID 65301).

2. The Court's order included a version of what occurred at these two meetings which differs significantly from Co-Lead counsel Pitt's memory of what occurred at those proceedings.

3. The Court's order also relied on conclusions drawn from off-the-record proceedings which cannot be verified as there exists no transcripts from those proceedings. Many of those conclusions involve purported actions and statements of Co-Lead Interim Class Counsel, Michael Pitt.

4. Co-Lead Interim Class Counsel Michael Pitt has a recollection of the events at the off-the-record proceedings which differ from those included in the Court's Order. In addition, many statements in the Court's order lack details which provide necessary context to statements made in the Court's Order. Mr. Pitt has provided such details in the declaration attached to this motion as Exhibit 1.

5. The Court acknowledged that these references to and its recollection of events which occurred in the off-record proceedings were unnecessary to the resolution of the motion. (ECF 1830, Page ID 65301).

6. Pursuant to ED Mich LR 7.1, (h)(3), reconsideration or rehearing is proper only if the moving party demonstrates a "palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled" and "correcting the defect will result in a different disposition"

7. By relying on matters and drawing conclusions based on off-the-record proceedings and discussions, the Court's order denying the Hall Objectors' Motion contains a palpable defect, which can only be corrected by reconsidering the order and eliminating all references to events and conversations which occurred during the off-the-record proceedings or any conclusions derived from those off-the-record proceedings.

WHEREFORE, Interim Co-Lead Class Counsel Michael Pitt requests that the Court reconsider its Order denying the Hall Objectors' Motion and reissue its opinion eliminating any reference to discussions and events which occurred in off-the-record proceedings in May 2021 or in the alternative to provide a mechanism for settlement of the record by granting partial relief as sought by the Hall Objectors in their Motion.

Respectfully submitted,

By: /s/ Michael L. Pitt
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Dated: June 30, 2021

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MICHAEL PITT'S MOTION FOR RECONSIDERATION OF THIS
COURT'S ORDER DENYING HALL OBJECTORS' MOTION [DKT. 1830]**

Interim Co-Lead Class Counsel Michael Pitt relies on ED Mich LR 7.1 and the Declaration of Michael Pitt in support of the Motion for Reconsideration.

Respectfully submitted,

By: /s/ Michael L. Pitt
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Dated: June 30, 2021